

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

|                               |   |                        |
|-------------------------------|---|------------------------|
| <b>JOSEPH ARCHAMBAULT,</b>    | ) |                        |
| <b>Plaintiff</b>              | ) |                        |
|                               | ) |                        |
| <b>VS.</b>                    | ) | <b>CIVIL ACTION</b>    |
|                               | ) | <b>NO. 05-11762-NG</b> |
| <b>LIBERTY LIFE ASSURANCE</b> | ) |                        |
| <b>COMPANY OF BOSTON,</b>     | ) |                        |
| <b>Defendant</b>              | ) |                        |

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to F. R. Civ. P., Rule 56, and Local Rule 56.1, the Plaintiff Joseph Archambault moves that the Court enter summary judgment in his favor, ordering that the Defendant Liberty Life Assurance Company of Boston reinstate his long term disability claim under the Sodexho-Marriott ERISA plan, with full payment of all disability income and other benefits due and past due under said plan.

In support of this Motion, the Plaintiff files herewith his Local Rule 56.1 Statement of Material Record Facts and his Memorandum of Law In Support of Motion for Summary Judgment stating, with reference to both the subject ERISA plan and the material record facts, and with reference to appropriate authorities, the reasons why he is entitled to summary judgment.

WHEREFORE, Plaintiff Joseph Archambault moves that the Court enter judgment in his favor ordering:

1. That his long term disability claim be reinstated, with all disability income and other benefits as provided under the Sodexho-Marriott ERISA plan;

2. That Defendant Liberty Life Assurance Company of Boston pay to him all past due income benefits on said long term disability claim from April 26, 2005, to the date of judgment, with pre-judgment interest at the Massachusetts statutory rate of twelve percent simple interest and post-judgment interest until the date of payment of the sum due;
3. That Defendant Liberty pay his costs and reasonable attorney's fees after plaintiff submits a motion therefore with application of counsel pursuant to 29 U.S.C., Sect. 1132(g); and
4. Such other relief as the Court deems reasonable and proper on the facts of the case and the law.

Dated: August 18, 2006

For the Plaintiff,

/s/ Richard K. Latimer

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